

Hon. Franklin D. Burgess

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TEXAS WHOLESALE, INC., a Texas corporation

Plaintiff,

V.

DARYL E. BELL and KATRINA BELL
a/k/a KATRINA SCHNELLE, husband and
wife, and the marital community composed
thereof; et al.,

Defendants.

No. C05-5322FDB

STIPULATION AND ORDER
DISMISSING DEFENDANTS
WASHINGTON WITH PREJUDICE

STIPULATION

IT IS HEREBY STIPULATED AND AGREED as follows:

1. Plaintiff Texas Wholesale Inc. (aka Texas Wholesale Dental Supply Inc. d/b/a National Dental Supply) (hereinafter “Texas Wholesale”) and Defendants Alvin and Dana Washington (the “Washingtons”), agree to the dismissal of this action against the Washingtons, with prejudice.

2. In support of this stipulated dismissal with prejudice, plaintiff and the Washingtons agree that they will bear their own attorneys fees, costs and expenses; and, Texas Wholesale on behalf of its owners, directors, shareholders, affiliates, subsidiaries,

1 parent corporations, predecessors, successors, and/or assigns – together with the
2 undersigned individuals affiliated with Texas Wholesale, in both their respective corporate
3 and individual capacities – release Alvin and Dana Washington, their present or former
4 heirs, personal representatives, executors, trustees, and/or assigns, from the claims in this
5 lawsuit and any claims that arise out of any transaction or occurrence that is within the
6 subject matter of this lawsuit.

7 3. Plaintiff, the Washingtons and the undersigned individuals affiliated with
8 Texas Wholesale have also agreed that this Stipulation may be executed in counterparts,
9 each of which shall be deemed an original but all of which together constitute a single
10 agreement, and that facsimile signatures shall be considered sufficient for execution of this
11 Stipulation.

12 SO STIPULATED this ____ day of September, 2005.

13 SMITH ALLING LANE, P.S.

14 McNAUL EBEL NAWROT & HELGREN
15 PLLC

16 By: _____ Michael E. McAleenan, WSBA No. 29426

17 By: _____ Leslie J. Hagin, WSBA 29186

18 Attorneys for Plaintiff

19 Attorneys for Defendants Alvin and Dana
20 Washington

21 BRENT BIGLER

22 _____
23 In His Corporate and Individual Capacity

24 JEFFREY BIGLER

25 _____
26 In His Corporate and Individual Capacity

ORDER

This matter having come before the Court on the foregoing Stipulation, and the Court being fully advised, now, therefore, ORDERS, ADJUDGES AND DECREES that Plaintiff's claims against defendants Alvin and Dana Washington are DISMISSED WITH PREJUDICE, with each party to bear its own attorney's fees, costs and expenses.

IT IS SO ORDERED.

DATED this 29th day of September 2005.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

Presented by:

McNAUL EBEL NAWROT & HELGREN PLLC

By: _____
Leslie J. Hагin, WSBA 29186

Attorneys for Defendants Alvin and Dana Washington

SMITH ALLING LANE, P.S.

By: Michael F. McAleenan, WSBA No. 29426

Attorneys for Plaintiff